

Guohua Liu, Ph. D.

33-24 93<sup>rd</sup> Street, Apt. 5L, Jackson Heights, NY 11372

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10/07/2002

Director of the office of the Civil Rights  
U.S. Environmental Protection Agency  
Mail Code 1201A, 1200 Pennsylvania Ave. NW  
Washington, D.C. 20460  
Fax: (202) 501-1836

Sir/Madam:

Re: Letter from Karen D. Higginbotham

In 10/04/2002, I received the letter, dated 09/27/2002, from Karen D. Higginbotham, Acting Director, Office of Civil Rights.

I request you accept my charge to investigate the employment discrimination:

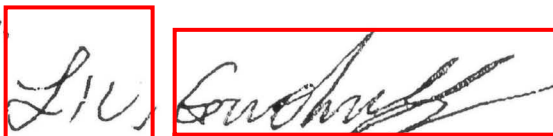
1. I used to be an employee in USFilter Kruger Products from the period of 10/23/2000 to 06/22/2002 and my position was project engineer/process engineer. In the period of 01/29/2002 to 04/01/2002 USFilter Kruger Products and USFilter had discriminated against me for the employment matter on the basis of race, age and retaliation for my having complained the discrimination and violation of my privacy. The discrimination and retaliation continued to 06/22/2002 in which USFilter Kruger Products and USFilter finally discharged me. USFilter Kruger Products and USFilter are/or have been contractors with Environmental Protection Agency and they had discriminated against me for the employment matter. My charge is filed within 180 days of the discrimination act. Therefore, the Office of Civil Rights of USEPA has the jurisdiction in regards to my claim.
2. I also had filed my charge with EEOC. If the lead agency is EEOC, I request USEPA to cooperate with EEOC to investigate the discrimination. I understand any action taken, requirement imposed, or determination made by the lead agency, other than a final determination to terminate funds, shall have the same effect as though such action had been taken by EPA. Therefore, I request you don't close out my case and cooperate with EEOC to investigate the discrimination acts.

I re-faxed my Statement/Affidavits fro your evaluation and will resend all my files to charge USFilter Kruger Products and USFilter with USEPA to you.

I look forward to you further reply.

Respectfully

Guohua Liu



cc: Karen D. Higginbotham, acting director, office of civil rights

## Charge USFilter Kruger Products and USFilter with USEPA Guohua Liu's Statement/Affidavit

### Charge Party: Guohua Liu

My name is Guohua Liu. I am a Chinese and 50 years old. I lived in 33-24 93<sup>rd</sup> Street, Apt. 5L, Jackson Heights, NY 11372 and my home phone number is (718) 898-0232. I, here, charge USFilter Kruger Products and its parent company, USFilter, for their having unlawfully discriminated against me on the basis of race, age and retaliation for my having complained about discrimination and violation of my privacy from January 29, 2002 to April 1, 2002. The retaliation to me by the above employer continued. I swear that the following statements/affidavit are true:

### Respondent: USFilter Kruger Products And Its Parent Company, USFilter

USFilter Kruger Products, located in 401 Harrison Oak Blvd, STE 100, Cary, NC 27513 is one of the business centers of USFilter, 40-004 Cook Street Palm Desert, CA 92211. USFilter is the vendor of equipments and technologies for wastewater and drinking water treatment. The approximate number of employee of USFilter Kruger Products is about 70 and the total number of employee of USFilter approximate over 20,000.

The following decision maker, supervisor and employee in USFilter Kruger Products and USFilter are involved in the charge:

#### USFilter Kruger Products:

General Manager, Terry Mah (Majority American)  
Head of Operation and Construction Division, Hunt Ken. (Majority American)  
Controller, Paul Tisdal (Majority American)  
Process Manager of Biostyr Process Group, Glenn Thesing (Majority American)  
Project Manager of Biostyr Process Group, Erling Jensen (Danish)  
Process Engineer of Biostyr Process Group, Xavier LeTallec (French)  
I & C Engineer, Bryan Hewitt (Majority American)  
System Manager, Nick Nunkovich (Majority American)  
Human Resources staff, Andrea Jackson (Majority American)

#### Parent Company, USFilter:

VP of Human Resources, Joy Gaetano (unknown because I never met her)  
VP and Assistant General Counsel, Kevin Duffy (unknown because I never met him)  
VP of Human Resources of WWSG, Linda R. Aubry (Majority American)  
Director of Human Resource of WWSG, Peter W. Newhouse (Majority American)

### My Relevant Education And Work History

My Bachelor study, majored in water and wastewater treatment, was finished in China. My M.E. and Ph.D., majored in environmental engineering, were obtained in NY, USA. In Oct. 23, 2000, I was employed as an exempt employee by USFilter Kruger Products and was assigned as a project engineer to operate Biostyr Process in the demonstration pilot plant of Biological Aerobic Filtration (BAF) technology, Newtown Creek (NTC), New York (Seen from Attachment 1). During the period of NTC project, NY, my two



supervisors were Glenn Thesing and Erling Jensen. I worked on site in daytime and remotely dealt with the emergencies from home in evening and night (on-call time) without pay. With my professional experience and knowledge, I rightly judged the technical problems of Biostyr Process, reported on time them to my supervisors and solved them well (Seen from Attachment 2, and the adverse effects of filter polystyrene media shrinking on Biostyr Process are further discussed in detail in Attachment 14-a). When NTC project ended, I went to USFilter Kruger Products, Cary, NC in January 2, 2002. I worked there as a process engineer of Biostyr Process Group in Process Division until I was suspended in March 15, 2002. Glenn Thesing was my supervisor. VP, Sun-Nan Hong, directed Process Division. I dedicated to my design work on behalf of both USFilter Kruger Products and our clients. When I found some faults/blunders existed in the design work of Biostyr Process Group, I discussed openly them in professional way with the members of Biostyr Process Group and reported timely to Glenn Thesing and Sun-nan Hong (Seen from Attachment 3, and the significant uneven hydraulic loadings on the bio-filters with the operation strategy of feeding to bio-filters asymmetrically arranged by Biostyr process group is discussed in detail in Attachment 14-b). I took my free time to establish an inherent relationship of effluent SS to filter media size, which was never found by my employer and the patent owner of Biostyr Process, OTV. This relationship is valuable for the research, the design and the operation of Biostyr Process (Seen from Attachment 4).

#### Unethical Activities And Discrimination By USFilter Kruger Products

Since January 29, 2002, however, I had suffered the intolerable and aggravated treatment from the employees, Glenn Thesing, Erling Jensen, Xavier LeTallec, Bryan Hewitt, Andrea Jackson, Nick and Gera. Their unethical activities included verbal harassment, creating rumors, gossiping and backbiting, public ridicules, innuendo, racial slurs, age abuse, stealing my documents from my personal bookcase, falsifying my documents to interrupt my work, threatening explicitly and implicitly to terminate my job (Seen from Attachment 5) and even framing me in a case of being terrorist (Seen from Attachment 5-g). The members of management team, Hunt Ken, Terry Mah and Paul Tisdal instigated and connived at these unethical activities (Seen from Attachment 5-h). They supplied my personal file to those employees for humiliating and threatening me, and directed the harassment and the interruption of work by inspecting my activities in office (Seen from Attachment 5-c, 5-n and 5-o). The inspection had never been informed me.

#### Violation of My Privacy

Besides my suffering the intolerable and aggravated treatment from USFilter Kruger Products, my privacy was seriously violated.

Since January 31, 2002, Bryan Hewitt in office often repeated my private words what I spoken to my wife and my friends through my private phone when I was in home. 211 Electra Dr., Cary, NC 27513. Xavier Letaltec complained the content of my private fax. Nick Nockvich known my complaint when I communicated with my friend in Taiwan through my private hotmail messenger. My personal activities in home were monitored. Terry Mah might conspire or involved in the violation of my privacy. Linda R. Aubry might utilize the information from monitoring my privacy to intimidate me (See Attachment 6). Also, in April 16, 2002, a Cary Town Police Randal C. Swallow,



yielded me and repeated my words in my private call to my wife (See **Attachment 6**). The suspect were **Bryan Hewitt**, my roomette and my landlord (Seen from **Attachment 7**) There was the possibility that **Bryan Hewitt**, **Terry Mah** or USFilter Kruger Products framed me in a case and deceived the police in Cary Town to monitor me.

#### **Retaliations Against Me By USFilter Kruger Products And By USFilter**

From **March 4, 2002 to March 6, 2002**, I called and then faxed my complaints concerning the unethical activities and discrimination to USFilter Compliance Hotline (reporter ID: B761415, Seen from **Attachment 8**). My complaints led to a series of retaliation against me by USFilter Kruger Products and by USFilter.

In **March 8, 2002**, **Glenn Thesing** appraised my annual work performance to lower rating and intentionally made the deceits of attributing their unethical activities against me to my human relationship and team approach. He decided a probation period of three months without the agreement of **Sun-Nan Hong** (Seen from **Attachment 9**).

From **March 8, 2002 to March 15, 2002**, **Peter W Newhouse** came to USFilter Kruger Products to investigate my complaint. Both **Sun-nan Hong** and **Glenn Thesing** were absent in the investigation period. The unethical activities against me continued in this period: in **March 11, 2002**, after meeting with **Erling** for the SS unsatisfying the effluent criteria in Freeport project (Seen from **Attachment 10-a**, and also Seen from **Attachment 14-c**) I suffered the threaten words from **Erling**, in **March 13, 2002** **Xavier** humiliated me by throwing my writing as garbage (Seen from **Attachment 10-b**) and in **March 14, 2002** **Bryan Hewitt** stole my handwriting draft for Colorado Spring project (Seen from **Attachment 10-c**).

In the morning of **March 15, 2002**, my notebook, which recorded the unethical activities and technical information for my personal use, left in **Pearce**'s office and was probably copied by USFilter Kruger Products (Seen from **Attachment 11-a**).

Being misled by USFilter Kruger Products and with his prejudice, **Peter W. Newhouse** got the unreliable investigation outcomes (Seen from **Attachment 11-b**). In the afternoon of **March 15, 2002**, to humiliate and discharge me, **Terry Mah** held a staff meeting to celebrate the unreliable investigation result and he announced the average rating of employee annual appraisal although the process division did not finish it. Just after staff meeting, **Peter W. Newhouse** called me and suspended my job with an excuse, and **Terry Mah** and **Paul Tisdal**, forcibly executed the suspension (Seen from **Attachment 11-c**).

In **March 18, 2002**, **Joy Gaetand** called me and arranged a meeting for investigation results, my employment status, my annual appraisal and next step investigation (Seen from **Attachment 12-a**). In **March 19, 2002**, I called lawyer's office to look for an attorney to represent me. However, my right to contact attorney had been unlawfully violated (Seen from **Attachment 12-c**).

In **March 20, 2002**, **Linda R. Aubry** met me at USFilter Kruger Products and sentenced a short-term administrative leave (Seen from **Attachment 13-a**). Based on the unreliable investigation results, the administrative leave refurbished **Glenn Thesing**'s deceits, and denigrated my professional experience and work ability and denied the wrongdoings of **Biostyr Process** Group and USFilter Kruger Products. Without my application, my employment status was sentenced to a conditioned work status under the short-term disability policy. Intolerably, **Linda R. Aubry** and **Terry Mah** unlawfully intimidated me



to accept the psychology therapy after meeting (Seen from **Attachment 13-a**). I protested and refused to comply the short-term administrative leave (Seen from **Attachment 13-c**). In **March 29, 2002**, I sent my charging USFilter for the suspension and administrative leave with NCDOL, which informed me that I should file the charge with any local EEOC. In **April 1, 2002**, USFilter compulsorily changed my employment status to long term of disability under the term of Family Medical Leave without my application (Seen from **Attachment 13-e**). Both administrative leaves were really disguised retaliations against me for my complaining. I called the VP, **Sun-Nan Hong** of Process Division to his office in the period from **April 8, 2002** to **April 17, 2002** to asked him why USFilter Kruger Products force me leave and answered him I did not have any diseases. **Sun-Nan Hong** replied me that he could not say anything because he had been officially prohibited to contact me. In **June 23**, I sent my file to charge USFilter Kruger Products and its parent company, USFilter, with EEOC to EEOC-NYDO. In the morning of **June 24, 2002**, when I went to USFilter Kruger Products to work, **Kent Hunt** repeated again that I was suspended, and **Terry Mah**, **Peter W. Newhouse** (by phone) and **Paul Tisdale** refused me to work and ordered me to leave the facility of USFilter Kruger Products. In **June 25, 2002**, I received a letter from the VP of human resources of WWSG in USFilter (See **Attachment 15**). In this letter, USFilter administratively insulted me as a disability and intimidated me to provide acceptable documentation from a health care provider that verifies my ability to perform the essential functions of my job with or without reasonable accommodations. Otherwise, they will "have no other recourses but to accept your non-responsiveness as your volunteer termination of employment retroactive to **June 22, 2002**." This letter insulted me intentionally and destroyed my human dignity. In **September 2002** NYDOL processed and investigated my application for Unemployment Insurance Benefits. USFilter Kruger Products and USFilter replied Ms. B. Monty of NYDOL that they had the medical records to prove that **Guohua Liu** had diseases and cannot to work. After I authorized New York Department of Labor (NYDOL) to access and use all my personal medical records for the Unemployment Insurance Matters (See **Attachment 16**), USFilter Kruger Products could not offer any my personal medical records to NDOL.

#### **Rational Basis For Believing There Was Discrimination And Other Wrongdoings:**

It is obvious that there was discrimination against minority and Chinese employee by USFilter Kruger Products. The percentage of minority employee in USFilter Kruger Products was around 6 % (three Chinese employees, and one Africa-American employee). **Hongwang Zhao** (Chinese) once told me that he had troubles with some employees of majority American although both he and **Terry Mah** studied for Ph.D. under same supervisor in Canada. According to my best knowledge, US Filter Kruger Products would exclude the VP of USFilter Kruger Products, **Sun-Nan Hong**, from the management team.

There was intended discrimination and animosity against Chinese employee: I suffered the unbearable and aggravated treatments from the employees (listed in the section, **Respondent**) of USFilter Kruger Products, especially when the process division head, **Sun-Nan Hong**, was in vacation.



It was the intended discrimination that USFilter Kruger Products monitored and inspected me in office without informing me in advance, but did not inspected any other employee in office on the same time.

It was the intended discrimination against Chinese employee that USFilter Kruger Products controlled and restrained my communication with Sun-Nan Hong, but did not restrain and control any majority employee's communication.

It was the intended discrimination that USFilter Kruger Products and USFilter used unequal standards to evaluate the human relationship of majority employee and Chinese employee: instigating and conniving the patronizing attitude of other employees (listed in the section, **Respondent**) and disdainful words to me but stringently disciplining me to silently sustain unbearable and aggravated treatments and limiting my free speech on technical issues.

It was the intended discrimination against an employee of 50 years old that the human resource staff of USFilter Kruger Products used the age-abused words to threaten me.

It was the intended discrimination that US Filter Kruger Products and USFilter intentionally appeased and covered up the faults/blunders in design works done by Biostyr process group but denigrated my work ability and even did not admit my finding for Biostyr Process. I request, if allowable, that EPA, cooperated with EEOC, to investigate the discrimination and the retaliation and assess and judge all the technical problems in all design projects of Biostyr Process Group.

There was not only the intended discrimination but also the premeditated violation of my privacy: by monitoring my activities in home, USFilter Kruger Products could control my relationship with Chinese employee, my friends and my family, to find the fragilities in my personality, to know what faults/blunders I found in the design work of Biostyr Process, and moreover, to interrupt my legal activities for litigation against the discrimination. According to US Constitution Fourth Amendment, monitoring the privacy of any citizen and alien without probable causes and unlawfully leaking the monitored private information to public were the crime, violation of privacy.

It was the intended discrimination and animosity against me that USFilter Kruger Products and USFilter intimidated and disciplined me to accept physically and mentally therapy but exempt all other majority employee in USFilter Kruger Products from such treatment for the position of process engineer. By use of the administrative authority, USFilter Kruger Products and USFilter put me, a normal human being, in a publicly distrusted status, mental sick, so that they could cover up the discrimination against me and the faults/blunders in the design work of Biostyr Process and conceal the crime of violating my privacy.

### **Harm To Me Created By Unethical Activities, Discrimination And Retaliation**

The harassment, discrimination and retaliation by USFilter Kruger Products and its parent company, USFilter, devastated my health, my career and my personal reputation and had created the great harm to my family.

Suffering the intolerable and aggravated unethical treatment and being inspected on the hostile environment I could not concentrate on reading and my work, and always worried being terminated. To exclude the harassment and the humiliating words I could not fully open my office door. To avoid my documents and notes being stolen and falsified by the employee assigned by USFilter Kruger Products, I had to bring my bookcase with me.

The violation of my privacy exerted a great distress on me and made me feel that I lived in a horrifying environment so that I did not dare to speak with my wife and my friend freely, and to study and work even at home. 211 Electra Dr. Cary, NC. My health weak down and my hemorrhoids bleed lot when I went to restroom in the period of January 29, 2002 to the end of February 2002. My wife and my son, the innocent persons, also suffered great distress. Since I worked for USFilter Kruger Products, my family was in an upset status. During the NTC project, our sleep was often disturbed by alarms (on-call) in the night and in weekend and holidays for the frequent backwashes and other operation problems. In the period when I worked in Cary, NC, my wife worried me for my suffering the further retaliation for having complaint the discrimination and violation our privacy and often cried when we talked online. My wife's work and health and my son's spirit and study had been affected by the discrimination from USFilter Kruger Products. USFilter Kruger Products did not inform me that the final employee annual appraisal and the compensation of 2002.

By two administrative leaves USFilter Kruger Products and USFilter: a) administratively humiliated me and thereby ruined my human dignity by putting me into a publicly distrusted situation, b) administratively found the excuses not to compensate me, including the on-call pay, annual increment of salary in 2002 and bonus for 2001, c) cut off my income to make my family suffer the economic difficulty and lead to my family breaking-up, d) made me not afford to the litigation against the discrimination and retaliation, and e) finally discharged me and destroyed my career.

For the harms to me created by the intended discrimination against a Chinese employee of 50 years old and the retaliation for my complaining the discrimination and the violation of my privacy, I charge USFilter Kruger Products and USFilter with USEPA.

#### Attachments

Attachment 1 to Attachment 16 to Support Guohua Liu's Charge with EPA (Attachment 1 to Attachment 13 are same as the Attachment to my charge with EEOC postmarked in June 23, 2002)

Charging Party Signature:

Date: 9/25/02 Notary:

Date

Liu, Guohua

LIU, GUOHUA

SWORN TO ME THIS

25<sup>th</sup> DAY OF September 2002  
Robert I. Katz  
NOTARY PUBLIC

ROBERT I. KATZ  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN NASSAU COUNTY  
NO: 01KA8082165  
CERTIFIED IN QUEENS  
COMMISSION EXPIRES JULY 30 2006